

Calendar No. 95

103D CONGRESS  
1ST SESSION

S. 185

[Report No. 103-57]

A BILL

To amend title 5, United States Code, to restore to Federal civilian employees their right to participate voluntarily, as private citizens, in the political processes of the Nation, to protect such employees from improper political solicitations, and for other purposes.

JUNE 16 (legislative day, JUNE 15), 1993

Reported with an amendment

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**IN THE SENATE OF THE UNITED STATES**

JANUARY 26 (legislative day, JANUARY 5), 1993

Mr. GLENN (for himself, Mr. PRYOR, Mr. STEVENS, Mr. LIEBERMAN, Mr. LEVIN, Mr. AKAKA, Mr. SARBANES, Mr. CONRAD, Mr. SASSER, Mr. LEAHY, Mr. DORGAN, Mr. HARKIN, Mr. SIMON, Mr. CAMPBELL, Mr. BINGAMAN, Mr. ROCKEFELLER, Ms. MIKULSKI, Mr. JEFFORDS, Mr. BRYAN, Mr. BIDEN, Mr. SHELBY, Mr. FEINGOLD, Mr. ROBB, Mr. DECONCINI, Mr. KOHL, Mr. FORD, Mrs. FEINSTEIN, Mr. WELLSTONE, Mr. REID, Mrs. BOXER, Mr. LAUTENBERG, Mr. WOFFORD, Mr. RIEGLE, Mr. INOUE, Mr. BREAUX, Mr. EXON, Mr. KERREY, Mr. DASCHLE, Mr. PELL, Mrs. MURRAY, Mr. BRADLEY, and Ms. MOSELEY-BRAUN) introduced the following bill; which was read twice and referred to the Committee on Governmental Affairs

JUNE 16 (legislative day, JUNE 15), 1993

Reported by Mr. GLENN, with an amendment

[Strike out all after the enacting clause and insert the part printed in *italic*]

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**A BILL**

To amend title 5, United States Code, to restore to Federal civilian employees their right to participate voluntarily, as private citizens, in the political processes of the Na-

tion, to protect such employees from improper political solicitations, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
 2       *tives of the United States of America in Congress assembled,*  
 3       That this Act may be cited as the “Hatch Act Reform  
 4       Amendments of 1993”.

5       **SEC. 2. POLITICAL ACTIVITIES.**

6       (a) Subchapter III of chapter 73 of title 5, United  
 7       States Code, is amended to read as follows:

8       ~~“SUBCHAPTER III—POLITICAL ACTIVITIES~~

9       **~~“§ 7321. Political participation~~**

10       ~~“It is the policy of the Congress that employees~~  
 11       ~~should be encouraged to exercise fully, freely, and without~~  
 12       ~~fear of penalty or reprisal, and to the extent not expressly~~  
 13       ~~prohibited by law, their right to participate or to refrain~~  
 14       ~~from participating in the political processes of the Nation.~~

15       **~~“§ 7322. Definitions~~**

16       ~~“For the purpose of this subchapter—~~

17               ~~“(1) ‘employee’ means any individual, other~~  
 18               ~~than the President and the Vice President, employed~~  
 19               ~~or holding office in—~~

20                       ~~“(A) an Executive agency other than the~~  
 21                       ~~General Accounting Office; or~~

22                       ~~“(B) a position within the competitive~~  
 23                       ~~service which is not in an Executive agency;~~

1 but does not include a member of the uniformed  
2 services;

3 “(2) ‘partisan political office’ means any office  
4 for which any candidate is nominated or elected as  
5 representing a party any of whose candidates for  
6 Presidential elector received votes in the last preced-  
7 ing election at which Presidential electors were se-  
8 lected, but shall exclude any office or position within  
9 a political party or affiliated organization; and

10 “(3) ‘political contribution’—

11 “(A) means any gift, subscription, loan,  
12 advance, or deposit of money or anything of  
13 value, made for any political purpose;

14 “(B) includes any contract, promise, or  
15 agreement, express or implied, whether or not  
16 legally enforceable, to make a contribution for  
17 any political purpose;

18 “(C) includes any payment by any person,  
19 other than a candidate or a political party or  
20 affiliated organization, of compensation for the  
21 personal services of another person which are  
22 rendered to any candidate or political party or  
23 affiliated organization without charge for any  
24 political purpose; and

1           “(D) includes the provision of personal  
2           services for any political purpose.

3   **“§ 7323. Political activity authorized; prohibitions**

4           “(a) Subject to the provisions of subsection (b), an  
5   employee may take an active part in political management  
6   or in political campaigns, except an employee may not—

7           “(1) use his official authority or influence for  
8   the purpose of interfering with or affecting the re-  
9   sult of an election;

10          “(2) knowingly solicit, accept, or receive a polit-  
11   ical contribution from any person, unless such  
12   person is—

13               “(A) a member of the same Federal labor  
14   organization as defined under section 7103(4)  
15   of this title or a Federal employee organization  
16   which as of the date of enactment of the Hatch  
17   Act Reform Amendments of 1993 had a  
18   multicandidate political committee (as defined  
19   under section 315(a)(4) of the Federal Election  
20   Campaign Act of 1971 (2 U.S.C. 441a(a)(4)));

21               “(B) not a subordinate employee; and

22               “(C) the solicitation is for a contribution  
23   to the multicandidate political committee (as  
24   defined under section 315(a)(4) of the Federal  
25   Election Campaign Act of 1971 (2 U.S.C.

1           ~~441a(a)(4)))~~ of such Federal labor organization  
 2           as defined under section ~~7103(4)~~ of this title or  
 3           a Federal employee organization which as of  
 4           the date of the enactment of the Hatch Act Re-  
 5           form Amendments of 1993 had a  
 6           multicandidate political committee (as defined  
 7           under section ~~315(a)(4)~~ of the Federal Election  
 8           Campaign Act of 1971 (~~2 U.S.C. 441a(a)(4))~~);  
 9           or  
 10          ~~“(3)~~ run for the nomination or as a candidate  
 11       for election to a partisan political office; or  
 12          ~~“(4)~~ knowingly solicit or discourage the partici-  
 13       pation in any political activity of any person who—  
 14               ~~“(A)~~ has an application for any compensa-  
 15       tion, grant, contract, ruling, license, permit, or  
 16       certificate pending before the employing office  
 17       of such employee; or  
 18               ~~“(B)~~ is the subject of or a participant in  
 19       an ongoing audit, investigation, or enforcement  
 20       action being carried out by the employing office  
 21       of such employee.  
 22       ~~“(b)(1)~~ An employee of the Federal Election Commis-  
 23       sion (except one appointed by the President, by and with  
 24       the advice and consent of the Senate), may not request  
 25       or receive from, or give to, an employee, a Member of Con-

gress, or an officer of a uniformed service a political contribution.

“(2) No employee of the Federal Election Commission (except one appointed by the President, by and with the advice and consent of the Senate), may take an active part in political management or political campaigns.

“(3) For purposes of this subsection, the term ‘active part in political management or in a political campaign’ means those acts of political management or political campaigning which were prohibited for employees of the competitive service before July 19, 1940, by determinations of the Civil Service Commission under the rules prescribed by the President.

**“§ 7324. Political activities on duty; prohibition**

“(a) An employee may not engage in political activity—

“(1) while the employee is on duty;

“(2) in any room or building occupied in the discharge of official duties by an individual employed or holding office in the Government of the United States or any agency or instrumentality thereof;

“(3) while wearing a uniform or official insignia identifying the office or position of the employee; or

1           ~~“(4) using any vehicle owned or leased by the~~  
2           ~~Government of the United States or any agency or~~  
3           ~~instrumentality thereof.~~

4           ~~“(b)(1) An employee described in paragraph (2) of~~  
5           ~~this subsection may engage in political activity otherwise~~  
6           ~~prohibited by subsection (a) if the costs associated with~~  
7           ~~that political activity are not paid for by money derived~~  
8           ~~from the Treasury of the United States.~~

9           ~~“(2) Paragraph (1) applies to an employee—~~

10           ~~“(A) the duties and responsibilities of whose po-~~  
11           ~~sition continue outside normal duty hours and while~~  
12           ~~away from the normal duty post; and~~

13           ~~“(B) who is—~~

14           ~~“(i) an employee paid from an appropria-~~  
15           ~~tion for the Executive Office of the President;~~  
16           ~~or~~

17           ~~“(ii) an employee appointed by the Presi-~~  
18           ~~dent, by and with the advice and consent of the~~  
19           ~~Senate, whose position is located within the~~  
20           ~~United States, who determines policies to be~~  
21           ~~pursued by the United States in relations with~~  
22           ~~foreign powers or in the nationwide administra-~~  
23           ~~tion of Federal laws.~~



1 **~~“§ 7325. Political activity permitted; employees resid-~~**  
 2 **~~ing in certain municipalities~~**

3 “The Office of Personnel Management may prescribe  
 4 regulations permitting employees, without regard to the  
 5 prohibitions in paragraphs (2) and (3) of section 7323 of  
 6 this title, to take an active part in political management  
 7 and political campaigns involving the municipality or other  
 8 political subdivision in which they reside, to the extent the  
 9 Office considers it to be in their domestic interest, when—

10 “(1) the municipality or political subdivision is  
 11 in Maryland or Virginia and in the immediate vicin-  
 12 ity of the District of Columbia, or is a municipality  
 13 in which the majority of voters are employed by the  
 14 Government of the United States; and

15 “(2) the Office determines that because of spe-  
 16 cial or unusual circumstances which exist in the mu-  
 17 nicipality or political subdivision it is in the domestic  
 18 interest of the employees and individuals to permit  
 19 that political participation.

20 **~~“§ 7326. Penalties~~**

21 “Any employee who has been determined by the Merit  
 22 Systems Protection Board to have violated on two occa-  
 23 sions any provision of section 7323 or 7324 of this title,  
 24 shall upon such second determination by the Merit System  
 25 Protection Board be removed from such employee’s posi-  
 26 tion, in which event that employee may not thereafter hold

1 any position (other than an elected position) as an em-  
 2 ployee (as defined in section 7322(1) of this title). Such  
 3 removal shall not be effective until all available appeals  
 4 are final.”.

5 (b)(1) Section 3302(2) of title 5, United States Code,  
 6 is amended by striking out “7203, 7321, and 7322” and  
 7 inserting in lieu thereof “and 7203”.

8 (2) The table of sections for subchapter III of chapter  
 9 73 of title 5, United States Code, is amended to read as  
 10 follows:

11 “SUBCHAPTER III—POLITICAL ACTIVITIES

“7321. Political participation.

“7322. Definitions.

“7323. Political activity authorized; prohibitions.

“7324. Political activities on duty; prohibition.

“7325. Political activity permitted; employees residing in certain municipali-  
 ties.

“7326. Penalties.”.

12 **SEC. 3. AMENDMENT TO CHAPTER 12 OF TITLE 5, UNITED**  
 13 **STATES CODE.**

14 Section 1216(c) of title 5, United States Code, is  
 15 amended to read as follows:

16 “(c) If the Special Counsel receives an allegation con-  
 17 cerning any matter under paragraph (1), (3), (4), or (5)  
 18 of subsection (a), the Special Counsel may investigate and  
 19 seek corrective action under section 1214 and disciplinary  
 20 action under section 1215 in the same way as if a prohib-  
 21 ited personnel practice were involved.”.

1 **SEC. 4. AMENDMENTS TO TITLE 18.**

2 (a) Section 602 of title 18, United States Code, relat-  
3 ing to solicitation of political contributions, is amended—

4 (1) by inserting “(a)” before “It”;

5 (2) in paragraph (4) by striking out all that fol-  
6 lows “Treasury of the United States” and inserting  
7 in lieu thereof a semicolon and “to knowingly solicit  
8 any contribution within the meaning of section  
9 301(8) of the Federal Election Campaign Act of  
10 1971 from any other such officer, employee, or per-  
11 son. Any person who violates this section shall be  
12 fined under this title or imprisoned not more than  
13 3 years, or both.”; and

14 (3) by adding at the end thereof the following  
15 new subsection:

16 “(b) The prohibition in subsection (a) shall not apply  
17 to any activity of an employee (as defined in section  
18 7322(1) of title 5) or any individual employed in or under  
19 the United States Postal Service or the Postal Rate Com-  
20 mission, unless that activity is prohibited by section 7323  
21 or 7324 of such title.”.

22 (b) Section 603 of title 18, United States Code, relat-  
23 ing to making political contributions, is amended by add-  
24 ing at the end thereof the following new subsection:

25 “(c) The prohibition in subsection (a) shall not apply  
26 to any activity of an employee (as defined in section

1 7322(1) of title 5) or any individual employed in or under  
 2 the United States Postal Service or the Postal Rate Com-  
 3 mission, unless that activity is prohibited by section 7323  
 4 or 7324 of such title.”.

5 (c)(1) Chapter 29 of title 18, United States Code,  
 6 relating to elections and political activities is amended by  
 7 adding at the end thereof the following new section:

8 **“§ 610. Coercion of political activity**

9 “It shall be unlawful for any person to intimidate,  
 10 threaten, command, or coerce, or attempt to intimidate,  
 11 threaten, command, or coerce, any employee of the Fed-  
 12 eral Government as defined in section 7322(1) of title 5,  
 13 United States Code, to engage in, or not to engage in,  
 14 any political activity, including, but not limited to, voting  
 15 or refusing to vote for any candidate or measure in any  
 16 election, making or refusing to make any political con-  
 17 tribution, or working or refusing to work on behalf of any  
 18 candidate. Any person who violates this section shall be  
 19 fined not more than \$5,000 or imprisoned not more than  
 20 three years, or both.”.

21 (2) The table of sections for chapter 29 of title 18,  
 22 United States Code, is amended by adding at the end  
 23 thereof the following:

“610. Coercion of political activity.”.

1 **SEC. 5. AMENDMENTS TO THE VOTING RIGHTS ACT OF 1965.**

2 Section 6 of the Voting Rights Act of 1965 (42  
3 U.S.C. 1973d) is amended by striking out “the provisions  
4 of section 9 of the Act of August 2, 1939, as amended  
5 (5 U.S.C. 118i), prohibiting partisan political activity”  
6 and by inserting in lieu thereof “the provisions of sub-  
7 chapter III of chapter 73 of title 5, United States Code,  
8 relating to political activities”.

9 **SEC. 6. AMENDMENTS RELATING TO APPLICATION OF**  
10 **CHAPTER 15 OF TITLE 5, UNITED STATES**  
11 **CODE.**

12 (a) Section 1501(1) of title 5, United States Code,  
13 is amended by inserting “, the District of Columbia,” after  
14 “State”.

15 (b) Section 675(e) of the Community Services Block  
16 Grant Act (42 U.S.C. 9904(e)) is repealed.

17 **SEC. 7. APPLICABILITY TO POSTAL EMPLOYEES.**

18 The amendments made by this Act, and any regula-  
19 tions thereunder, shall apply with respect to employees of  
20 the United States Postal Service and the Postal Rate  
21 Commission, pursuant to sections 410(b) and 3604(e) of  
22 title 39, United States Code.

23 **SEC. 8. EFFECTIVE DATE.**

24 (a) The amendments made by this Act shall take ef-  
25 fect 120 days after the date of the enactment of this Act,  
26 except that the authority to prescribe regulations granted

1 under section 7325 of title 5, United States Code (as  
 2 added by section 2 of this Act), shall take effect on the  
 3 date of the enactment of this Act.

4 (b) Any repeal or amendment made by this Act of  
 5 any provision of law shall not release or extinguish any  
 6 penalty, forfeiture, or liability incurred under that provi-  
 7 sion, and that provision shall be treated as remaining  
 8 in force for the purpose of sustaining any proper proceed-  
 9 ing or action for the enforcement of that penalty, for-  
 10 feiture, or liability.

11 (c) No provision of this Act shall affect any proceed-  
 12 ings with respect to which the charges were filed on or  
 13 before the effective date of the amendments made by this  
 14 Act. Orders shall be issued in such proceedings and ap-  
 15 peals shall be taken therefrom as if this Act had not been  
 16 enacted.

17 *That this Act may be cited as the “Hatch Act Reform*  
 18 *Amendments of 1993”.*

19 **SEC. 2. POLITICAL ACTIVITIES.**

20 (a) *Subchapter III of chapter 73 of title 5, United*  
 21 *States Code, is amended to read as follows:*

22 *“SUBCHAPTER III—POLITICAL ACTIVITIES*

23 ***“§ 7321. Political participation***

24 *“It is the policy of the Congress that employees should*  
 25 *be encouraged to exercise fully, freely, and without fear of*

1 *penalty or reprisal, and to the extent not expressly prohib-*  
 2 *ited by law, their right to participate or to refrain from*  
 3 *participating in the political processes of the Nation.*

4 ***“§ 7322. Definitions***

5 *“For the purpose of this subchapter—*

6 *“(1) ‘employee’ means any individual, other*  
 7 *than the President and the Vice President, employed*  
 8 *or holding office in—*

9 *“(A) an Executive agency other than the*  
 10 *General Accounting Office; or*

11 *“(B) a position within the competitive serv-*  
 12 *ice which is not in an Executive agency;*  
 13 *but does not include a member of the uniformed*  
 14 *services;*

15 *“(2) ‘partisan political office’ means any office*  
 16 *for which any candidate is nominated or elected as*  
 17 *representing a party any of whose candidates for*  
 18 *Presidential elector received votes in the last preced-*  
 19 *ing election at which Presidential electors were se-*  
 20 *lected, but shall exclude any office or position within*  
 21 *a political party or affiliated organization; and*

22 *“(3) ‘political contribution’—*

23 *“(A) means any gift, subscription, loan, ad-*  
 24 *vance, or deposit of money or anything of value,*  
 25 *made for any political purpose;*

1           “(B) includes any contract, promise, or  
 2           agreement, express or implied, whether or not le-  
 3           gally enforceable, to make a contribution for any  
 4           political purpose;

5           “(C) includes any payment by any person,  
 6           other than a candidate or a political party or af-  
 7           filiated organization, of compensation for the  
 8           personal services of another person which are  
 9           rendered to any candidate or political party or  
 10          affiliated organization without charge for any  
 11          political purpose; and

12          “(D) includes the provision of personal serv-  
 13          ices for any political purpose.

14   **“§ 7323. Political activity authorized; prohibitions**

15          “(a) Subject to the provisions of subsection (b), an em-  
 16          ployee may take an active part in political management  
 17          or in political campaigns, except an employee may not—

18               “(1) use his official authority or influence for the  
 19               purpose of interfering with or affecting the result of  
 20               an election;

21               “(2) knowingly solicit, accept, or receive a politi-  
 22               cal contribution from any person, unless such person  
 23               is—

24                       “(A) a member of the same Federal labor  
 25                       organization as defined under section 7103(4) of



1        *this title or a Federal employee organization*  
 2        *which as of the date of enactment of the Hatch*  
 3        *Act Reform Amendments of 1993 had a*  
 4        *multicandidate political committee (as defined*  
 5        *under section 315(a)(4) of the Federal Election*  
 6        *Campaign Act of 1971 (2 U.S.C. 441a(a)(4)));*

7                *“(B) not a subordinate employee; and*

8                *“(C) the solicitation is for a contribution to*  
 9        *the multicandidate political committee (as de-*  
 10        *fin ed under section 315(a)(4) of the Federal*  
 11        *Election Campaign Act of 1971 (2 U.S.C.*  
 12        *441a(a)(4))) of such Federal labor organization*  
 13        *as defined under section 7103(4) of this title or*  
 14        *a Federal employee organization which as of the*  
 15        *date of the enactment of the Hatch Act Reform*  
 16        *Amendments of 1993 had a multicandidate polit-*  
 17        *ical committee (as defined under section*  
 18        *315(a)(4) of the Federal Election Campaign Act*  
 19        *of 1971 (2 U.S.C. 441a(a)(4))); or*

20                *“(3) run for the nomination or as a candidate*  
 21        *for election to a partisan political office; or*

22                *“(4) knowingly solicit or discourage the partici-*  
 23        *pation in any political activity of any person who—*

24                *“(A) has an application for any compensa-*  
 25        *tion, grant, contract, ruling, license, permit, or*

1           *certificate pending before the employing office of*  
 2           *such employee; or*

3           *“(B) is the subject of or a participant in an*  
 4           *ongoing audit, investigation, or enforcement ac-*  
 5           *tion being carried out by the employing office of*  
 6           *such employee.*

7           *“(b)(1) An employee of the Federal Election Commis-*  
 8           *sion (except one appointed by the President, by and with*  
 9           *the advice and consent of the Senate), may not request or*  
 10          *receive from, or give to, an employee, a Member of Congress,*  
 11          *or an officer of a uniformed service a political contribution.*

12          *“(2) No employee of the Federal Election Commission*  
 13          *(except one appointed by the President, by and with the*  
 14          *advice and consent of the Senate), may take an active part*  
 15          *in political management or political campaigns.*

16          *“(3) For purposes of this subsection, the term ‘active*  
 17          *part in political management or in a political campaign’*  
 18          *means those acts of political management or political cam-*  
 19          *paigning which were prohibited for employees of the com-*  
 20          *petitive service before July 19, 1940, by determinations of*  
 21          *the Civil Service Commission under the rules prescribed by*  
 22          *the President.*

23          **“§ 7324. Political activities on duty; prohibition**

24          *“(a) An employee may not engage in political*  
 25          *activity—*

1           “(1) while the employee is on duty;

2           “(2) in any room or building occupied in the  
3           discharge of official duties by an individual employed  
4           or holding office in the Government of the United  
5           States or any agency or instrumentality thereof;

6           “(3) while wearing a uniform or official insignia  
7           identifying the office or position of the employee; or

8           “(4) using any vehicle owned or leased by the  
9           Government of the United States or any agency or in-  
10          strumentality thereof.

11          “(b)(1) An employee described in paragraph (2) of this  
12          subsection may engage in political activity otherwise pro-  
13          hibited by subsection (a) if the costs associated with that  
14          political activity are not paid for by money derived from  
15          the Treasury of the United States.

16          “(2) Paragraph (1) applies to an employee—

17               “(A) the duties and responsibilities of whose po-  
18               sition continue outside normal duty hours and while  
19               away from the normal duty post; and

20               “(B) who is—

21                       “(i) an employee paid from an appropria-  
22                       tion for the Executive Office of the President; or

23                       “(ii) an employee appointed by the Presi-  
24                       dent, by and with the advice and consent of the  
25                       Senate, whose position is located within the

1           *United States, who determines policies to be pur-*  
2           *sued by the United States in relations with for-*  
3           *ign powers or in the nationwide administration*  
4           *of Federal laws.*

5    ***“§ 7325. Political activity permitted; employees resid-***  
6           ***ing in certain municipalities***

7           *“The Office of Personnel Management may prescribe*  
8           *regulations permitting employees, without regard to the*  
9           *prohibitions in paragraphs (2) and (3) of section 7323 of*  
10          *this title, to take an active part in political management*  
11          *and political campaigns involving the municipality or*  
12          *other political subdivision in which they reside, to the ex-*  
13          *tent the Office considers it to be in their domestic interest,*  
14          *when—*

15                *“(1) the municipality or political subdivision is*  
16                *in Maryland or Virginia and in the immediate vicin-*  
17                *ity of the District of Columbia, or is a municipality*  
18                *in which the majority of voters are employed by the*  
19                *Government of the United States; and*

20                *“(2) the Office determines that because of special*  
21                *or unusual circumstances which exist in the munici-*  
22                *pality or political subdivision it is in the domestic*  
23                *interest of the employees and individuals to permit*  
24                *that political participation.*

1 **“§ 7326. Penalties**

2       *“Any employee who has been determined by the Merit*  
 3 *Systems Protection Board to have violated on two occasions*  
 4 *any provision of section 7323 or 7324 of this title, shall*  
 5 *upon such second determination by the Merit System Pro-*  
 6 *tection Board be removed from such employee’s position, in*  
 7 *which event that employee may not thereafter hold any po-*  
 8 *sition (other than an elected position) as an employee (as*  
 9 *defined in section 7322(1) of this title). Such removal shall*  
 10 *not be effective until all available appeals are final.”.*

11       *(b)(1) Section 3302(2) of title 5, United States Code,*  
 12 *is amended by striking out “7203, 7321, and 7322” and*  
 13 *inserting in lieu thereof “and 7203”.*

14       *(2) The table of sections for subchapter III of chapter*  
 15 *73 of title 5, United States Code, is amended to read as*  
 16 *follows:*

17       **“SUBCHAPTER III—POLITICAL ACTIVITIES**

*“7321. Political participation.*

*“7322. Definitions.*

*“7323. Political activity authorized; prohibitions.*

*“7324. Political activities on duty; prohibition.*

*“7325. Political activity permitted; employees residing in certain municipalities.*

*“7326. Penalties.”.*

18 **SEC. 3. AMENDMENT TO CHAPTER 12 OF TITLE 5, UNITED**  
 19 **STATES CODE.**

20       *Section 1216(c) of title 5, United States Code, is*  
 21 *amended to read as follows:*

1       “(c) If the Special Counsel receives an allegation con-  
 2       cerning any matter under paragraph (1), (3), (4), or (5)  
 3       of subsection (a), the Special Counsel may investigate and  
 4       seek corrective action under section 1214 and disciplinary  
 5       action under section 1215 in the same way as if a prohib-  
 6       ited personnel practice were involved.”.

7       **SEC. 4. AMENDMENTS TO TITLE 18, UNITED STATES CODE.**

8       (a) Section 602 of title 18, United States Code, relat-  
 9       ing to solicitation of political contributions, is amended—

10               (1) by inserting “(a)” before “It”;

11               (2) in paragraph (4) by striking out all that fol-  
 12       lows “Treasury of the United States” and inserting  
 13       in lieu thereof a semicolon and “to knowingly solicit  
 14       any contribution within the meaning of section  
 15       301(8) of the Federal Election Campaign Act of 1971  
 16       from any other such officer, employee, or person. Any  
 17       person who violates this section shall be fined under  
 18       this title or imprisoned not more than 3 years, or  
 19       both.”; and

20               (3) by adding at the end thereof the following  
 21       new subsection:

22       “(b) The prohibition in subsection (a) shall not apply  
 23       to any activity of an employee (as defined in section  
 24       7322(1) of title 5) or any individual employed in or under  
 25       the United States Postal Service or the Postal Rate Com-

1 mission, unless that activity is prohibited by section 7323  
2 or 7324 of such title.”.

3 (b) Section 603 of title 18, United States Code, relating  
4 to making political contributions, is amended by adding  
5 at the end thereof the following new subsection:

6 “(c) The prohibition in subsection (a) shall not apply  
7 to any activity of an employee (as defined in section  
8 7322(1) of title 5) or any individual employed in or under  
9 the United States Postal Service or the Postal Rate Com-  
10 mission, unless that activity is prohibited by section 7323  
11 or 7324 of such title.”.

12 (c)(1) Chapter 29 of title 18, United States Code, relat-  
13 ing to elections and political activities is amended by add-  
14 ing at the end thereof the following new section:

15 **“§610. Coercion of political activity**

16 “It shall be unlawful for any person to intimidate,  
17 threaten, command, or coerce, or attempt to intimidate,  
18 threaten, command, or coerce, any employee of the Federal  
19 Government as defined in section 7322(1) of title 5, United  
20 States Code, to engage in, or not to engage in, any political  
21 activity, including, but not limited to, voting or refusing  
22 to vote for any candidate or measure in any election, mak-  
23 ing or refusing to make any political contribution, or work-  
24 ing or refusing to work on behalf of any candidate. Any

1 *person who violates this section shall be fined not more than*  
 2 *\$5,000 or imprisoned not more than three years, or both.”.*

3 *(2) The table of sections for chapter 29 of title 18,*  
 4 *United States Code, is amended by adding at the end there-*  
 5 *of the following:*

*“610. Coercion of political activity.”.*

6 **SEC. 5. AMENDMENTS TO THE VOTING RIGHTS ACT OF 1965.**

7 *Section 6 of the Voting Rights Act of 1965 (42 U.S.C.*  
 8 *1973d) is amended by striking out “the provisions of section*  
 9 *9 of the Act of August 2, 1939, as amended (5 U.S.C. 118i),*  
 10 *prohibiting partisan political activity” and by inserting in*  
 11 *lieu thereof “the provisions of subchapter III of chapter 73*  
 12 *of title 5, United States Code, relating to political*  
 13 *activities”.*

14 **SEC. 6. AMENDMENTS RELATING TO APPLICATION OF**  
 15 **CHAPTER 15 OF TITLE 5, UNITED STATES**  
 16 **CODE.**

17 *(a) Section 1501(1) of title 5, United States Code, is*  
 18 *amended by inserting “, the District of Columbia,” after*  
 19 *“State”.*

20 *(b) Section 675(e) of the Community Services Block*  
 21 *Grant Act (42 U.S.C. 9904(e)) is repealed.*

22 **SEC. 7. APPLICABILITY TO POSTAL EMPLOYEES.**

23 *The amendments made by this Act (except for the*  
 24 *amendments made by section 8), and any regulations there-*  
 25 *under, shall apply with respect to employees of the United*



1 *States Postal Service and the Postal Rate Commission, pur-*  
 2 *suant to sections 410(b) and 3604(e) of title 39, United*  
 3 *States Code.*

4 ***SEC. 8. POLITICAL RECOMMENDATIONS.***

5 *(a) Section 3303 of title 5, United States Code, is*  
 6 *amended to read as follows:*

7 ***“§ 3303. Political recommendations***

8 *“(a) For the purposes of this section—*

9 *“(1) ‘agency’ means—*

10 *“(A) an Executive agency; and*

11 *“(B) an agency in the legislative branch*  
 12 *with positions in the competitive service;*

13 *“(2) ‘applicant’ means an individual who has*  
 14 *applied for appointment to be an employee;*

15 *“(3) ‘employee’ means an employee of an agency*  
 16 *who is—*

17 *“(A) in the competitive service;*

18 *“(B) a career appointee in the Senior Exec-*  
 19 *utive Service or an employee under a similar*  
 20 *appointment in a similar executive service; or*

21 *“(C) in the excepted service other than—*

22 *“(i) an employee who is appointed by*  
 23 *the President; or*

24 *“(ii) an employee whose position has*  
 25 *been determined to be of a confidential, pol-*

1                    *icy-determining, policy-making, or policy-*  
2                    *advocating character; and*

3                    “(4) ‘personnel action’ means any action de-  
4                    *scribed under clauses (i) through (x) of section*  
5                    *2302(a)(2)(A).*

6                    “(b) Except as provided under subsection (f), each per-  
7                    *sonnel action with respect to an employee or applicant shall*  
8                    *be taken without regard to any recommendation or state-*  
9                    *ment, oral or written, with respect to any employee or ap-*  
10                   *plicant who requests or is under consideration for such per-*  
11                   *sonnel action, made by—*

12                   “(1) any Member of Congress or congressional  
13                   *employee;*

14                   “(2) any elected official of the government of any  
15                   *State (including the District of Columbia and the*  
16                   *Commonwealth of Puerto Rico), county, city, or other*  
17                   *subdivision thereof;*

18                   “(3) any official of a political party; or

19                   “(4) any other individual or organization.

20                   “(c) Except as provided under subsection (f), a person  
21                   *or organization referred to under subsection (b) (1) through*  
22                   *(4) is prohibited from making or transmitting to any officer*  
23                   *or employee of an agency, any recommendation or state-*  
24                   *ment, oral or written, with respect to any employee or ap-*  
25                   *plicant who requests or is under consideration for any per-*

1 *sonnel action in such agency. Except as provided under sub-*  
2 *section (f), the agency, or any officer or employee of the*  
3 *agency—*

4           “(1) *shall not solicit, request, consider, or accept*  
5           *any such recommendation or statement; and*

6           “(2) *shall return any such written recommenda-*  
7           *tion or statement, appropriately marked as in viola-*  
8           *tion of this section, to the person or organization*  
9           *transmitting the same.*

10          “(d) *Except as provided under subsection (f), an em-*  
11 *ployee or applicant who requests or is under consideration*  
12 *for a personnel action in an agency is prohibited from*  
13 *requesting or soliciting from a person or organization re-*  
14 *ferred to under subsection (b) (1) through (4) a rec-*  
15 *ommendation or statement.*

16          “(e) *Under regulations prescribed by the Office of Per-*  
17 *sonnel Management, the head of each agency shall ensure*  
18 *that employees and applicants are given notice of the provi-*  
19 *sions of this section.*

20          “(f) *An agency, or any authorized officer or employee*  
21 *of an agency, may solicit, accept, and consider, and any*  
22 *other individual or organization may furnish or transmit*  
23 *to the agency or such authorized officer or employee, any*  
24 *statement with respect to an employee or applicant who re-*  
25 *quests or is under consideration for a personnel action, if—*

1           “(1) the statement is furnished pursuant to a re-  
2           quest or requirement of the agency and consists solely  
3           of an evaluation of the work performance, ability, ap-  
4           titude, and general qualifications of the employee or  
5           applicant;

6           “(2) the statement relates solely to the character  
7           and residence of the employee or applicant;

8           “(3) the statement is furnished pursuant to a re-  
9           quest made by an authorized representative of the  
10          Government of the United States solely in order to de-  
11          termine whether the employee or applicant meets  
12          suitability or security standards;

13          “(4) the statement is furnished by a former em-  
14          ployer of the employee or applicant pursuant to a  
15          request of an agency, and consists solely of an evalua-  
16          tion of the work performance, ability, aptitude, and  
17          general qualifications of such employee or applicant  
18          during employment with such former employer; or

19          “(5) the statement is furnished pursuant to a  
20          provision of law or regulation authorizing consider-  
21          ation of such statement with respect to a specific posi-  
22          tion or category of positions.

23          “(g) An agency shall take any action it determines  
24          necessary and proper under subchapter I or II of chapter  
25          75 to enforce the provisions of this section.

1       “(h) The provisions of this section shall not affect the  
2 right of any employee to petition Congress as authorized  
3 by section 7211.”.

4       (b) The table of sections for chapter 33 of title 5, United  
5 States Code, is amended by amending the item relating  
6 to section 3303 to read as follows:

“3303. Political recommendations.”.

7       (c) Section 2302(b)(2) of title 5, United States Code,  
8 is amended to read as follows:

9               “(2) solicit or consider any recommendation or  
10 statement, oral or written, with respect to any indi-  
11 vidual who requests or is under consideration for any  
12 personnel action except as provided under section  
13 3303(f);”.

14 **SEC. 9. GARNISHMENT OF FEDERAL EMPLOYEES’ PAY.**

15       (a) Subchapter II of chapter 55 of title 5, United  
16 States Code, is amended by adding at the end thereof the  
17 following new section:

18 **“§ 5520a. Garnishment of pay**

19       “(a) For purposes of this section—

20               “(1) ‘agency’ means each agency of the Federal  
21 Government, including—

22                       “(A) an executive agency, except for the  
23 General Accounting Office;

24                       “(B) the United States Postal Service and  
25 the Postal Rate Commission;

1           “(C) any agency of the judicial branch of  
2           the Government; and

3           “(D) any agency of the legislative branch of  
4           the Government, including the General Account-  
5           ing Office, each office of a Member of Congress,  
6           a committee of the Congress, or other office of the  
7           Congress;

8           “(2) ‘employee’ means an employee of an agency  
9           or member of the uniformed services as defined under  
10          section 2101(3);

11          “(3) ‘legal process’ means any writ, order, sum-  
12          mons, or other similar process in the nature of gar-  
13          nishment, that—

14               “(A) is issued by a court of competent juris-  
15               diction within any State, territory, or possession  
16               of the United States, or an authorized official  
17               pursuant to an order of such a court or pursuant  
18               to State or local law; and

19               “(B) orders the employing agency of such  
20               employee to withhold an amount from the pay of  
21               such employee, and make a payment of such  
22               withholding to another person, for a specifically  
23               described satisfaction of a legal debt of the em-  
24               ployee, or recovery of attorney’s fees, interest, or  
25               court costs; and

1           “(4) ‘pay’ means—

2                   “(A) *basic pay, premium pay paid under*  
3                   *subchapter V, any payment received under sub-*  
4                   *chapter VI, VII, or VIII, severance and back pay*  
5                   *paid under subchapter IX, sick pay, incentive*  
6                   *pay, and any other compensation paid or pay-*  
7                   *able for personal services, whether such com-*  
8                   *ensation is denominated as wages, salary, com-*  
9                   *mission, bonus pay or otherwise; and*

10                   “(B) *does not include awards for making*  
11                   *suggestions.*

12           “(b) *Subject to the provisions of this section and the*  
13           *provisions of section 303 of the Consumer Credit Protection*  
14           *Act (15 U.S.C. 1673) pay from an agency to an employee*  
15           *is subject to legal process in the same manner and to the*  
16           *same extent as if the agency were a private person.*

17           “(c)(1) *Service of legal process to which an agency is*  
18           *subject under this section may be accomplished by certified*  
19           *or registered mail, return receipt requested, or by personal*  
20           *service, upon—*

21                   “(A) *the appropriate agent designated for receipt*  
22                   *of such service of process pursuant to the regulations*  
23                   *issued under this section; or*

24                   “(B) *the head of such agency, if no agent has*  
25                   *been so designated.*

1       “(2) Such legal process shall be accompanied by suffi-  
2       cient information to permit prompt identification of the  
3       employee and the payments involved.

4       “(d) Whenever any person, who is designated by law  
5       or regulation to accept service of process to which an agency  
6       is subject under this section, is effectively served with any  
7       such process or with interrogatories, such person shall re-  
8       spond thereto within thirty days (or within such longer pe-  
9       riod as may be prescribed by applicable State law) after  
10      the date effective service thereof is made, and shall, as soon  
11      as possible but not later than fifteen days after the date  
12      effective service is made, send written notice that such proc-  
13      ess has been so served (together with a copy thereof) to the  
14      affected employee at his or her duty station or last-known  
15      home address.

16      “(e) No employee whose duties include responding to  
17      interrogatories pursuant to requirements imposed by this  
18      section shall be subject to any disciplinary action or civil  
19      or criminal liability or penalty for, or on account of, any  
20      disclosure of information made by such employee in connec-  
21      tion with the carrying out of any of such employee’s duties  
22      which pertain directly or indirectly to the answering of any  
23      such interrogatory.

24      “(f) Agencies affected by legal process under this sec-  
25      tion shall not be required to vary their normal pay and



1 *disbursement cycles in order to comply with any such legal*  
2 *process.*

3       “(g) Neither the United States, an agency, nor any dis-  
4 bursing officer shall be liable with respect to any payment  
5 made from payments due or payable to an employee pursu-  
6 ant to legal process regular on its face, provided such pay-  
7 ment is made in accordance with this section and the regu-  
8 lations issued to carry out this section. In determining the  
9 amount of any payment due from, or payable by, an agency  
10 to an employee, there shall be excluded those amounts which  
11 would be excluded under section 462(g) of the Social Secu-  
12 rity Act (42 U.S.C. 662(g)).

13       “(h)(1) Subject to the provisions of paragraph (2), if  
14 an agency is served under this section with more than one  
15 legal process with respect to the same payments due or pay-  
16 able to an employee, then such payments shall be available,  
17 subject to section 303 of the Consumer Credit Protection Act  
18 (15 U.S.C. 1673), to satisfy such processes in priority based  
19 on the time of service, with any such process being satisfied  
20 out of such amounts as remain after satisfaction of all such  
21 processes which have been previously served.

22       “(2) A legal process to which an agency is subject  
23 under sections 459, 461, and 462 of the Social Security Act  
24 (42 U.S.C. 659, 661, and 662) for the enforcement of the  
25 employee’s legal obligation to provide child support or make

1 *alimony payments, shall have priority over any legal proc-*  
 2 *ess to which an agency is subject under this section.*

3       “(i) *The provisions of this section shall not modify or*  
 4 *supersede the provisions of sections 459, 461, and 462 of*  
 5 *the Social Security Act (42 U.S.C. 659, 661, and 662) con-*  
 6 *cerning legal process brought for the enforcement of an indi-*  
 7 *vidual’s legal obligations to provide child support or make*  
 8 *alimony payments.*

9       “(j)(1) *Regulations implementing the provisions of this*  
 10 *section shall be promulgated—*

11               “(A) *by the President or his designee for each ex-*  
 12 *ecutive agency, except—*

13                       “(i) *with regard to members of the armed*  
 14 *forces as defined under section 2101, the Presi-*  
 15 *dent or, at his discretion, the Secretary of De-*  
 16 *fense shall promulgate such regulations; and*

17                       “(ii) *with regard to employees of the United*  
 18 *States Postal Service, the President or, at his*  
 19 *discretion, the Postmaster General shall promul-*  
 20 *gate such regulations;*

21               “(B) *jointly by the President pro tempore of the*  
 22 *Senate and the Speaker of the House of Representa-*  
 23 *tives, or their designee, for the legislative branch of*  
 24 *the Government; and*

1           “(C) by the Chief Justice of the United States or  
2           his designee for the judicial branch of the Govern-  
3           ment.

4           “(2) Such regulations shall provide that an agency’s  
5           administrative costs in executing a garnishment action  
6           may be added to the garnishment, and that the agency may  
7           retain costs recovered as offsetting collections.”.

8           (b)(1) The table of chapters for chapter 55 of title 5,  
9           United States Code, is amended by inserting after the item  
10          relating to section 5520 the following:

          “5520a. Garnishment of pay.”.

11          (2) Section 410(b) of title 39, United States Code, is  
12          amended—

13               (A) by redesignating the second paragraph (9)  
14               (relating to the Inspector General Act of 1978) as  
15               paragraph (10); and

16               (B) by adding at the end thereof the following  
17               new paragraph:

18               “(11) section 5520a of title 5.”.

19          **SEC. 10. EFFECTIVE DATE.**

20               (a) The amendments made by this Act shall take effect  
21               120 days after the date of the enactment of this Act, except  
22               that the authority to prescribe regulations granted under  
23               section 7325 of title 5, United States Code (as added by  
24               section 2 of this Act), shall take effect on the date of the  
25               enactment of this Act.

1       (b) Any repeal or amendment made by this Act of any  
2 provision of law shall not release or extinguish any penalty,  
3 forfeiture, or liability incurred under that provision, and  
4 that provision shall be treated as remaining in force for  
5 the purpose of sustaining any proper proceeding or action  
6 for the enforcement of that penalty, forfeiture, or  
7 liability.

8       (c) No provision of this Act shall affect any proceed-  
9 ings with respect to which the charges were filed on or before  
10 the effective date of the amendments made by this Act. Or-  
11 ders shall be issued in such proceedings and appeals shall  
12 be taken therefrom as if this Act had not been enacted.

S 185 RS——2

S 185 RS——3